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Letter dated 31 January 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Ethiopia, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

02-24152 (E) 290402

Annex

Letter dated 30 January 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Ethiopia to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

On the instructions of my Government, I have the honour to transmit herewith a report from the Government of the Federal Democratic Republic of Ethiopia to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001) (see enclosure).

I should be grateful if you would have the text of the present letter and its enclosure circulated as a document of the Security Council.

(*Signed*) Birhanmeskel **Abebe**
Chargé d'affaires a.i.

Enclosure

Report of the Government of the Federal Democratic Republic of Ethiopia on the implementation of Security Council resolution 1373 (2001)

I. Introduction

This Report is submitted by the Government of the Federal Democratic Republic of Ethiopia on the Implementation of the United Nations Security Council Resolution No. 1373/2001 pursuant to paragraph 6 of the Resolution. The Report attempts to briefly assess the practical implementation of the Resolution.

Ethiopia has always maintained a firm stand against terrorism. The country's vulnerability and exposure to series of terrorist attacks which have been launched from stateless Somalia have had a significant contribution in this regard. These terrorist attacks on Ethiopia were largely sponsored by international terrorist groups such as Al-Queda and were carried out by a notorious Somalia-based group named Al-Ittihad Al-Islamia. It is therefore with the sense of shared bitter experience that the people and Government of Ethiopia strongly condemned the September 11 terrorist attack against the United States of America. Hence, it is with this established sense of commitment that Ethiopia has undertaken to implement the United Nations Security Council Resolution No. 1373/2001.

I. Operative Paragraph 1

Sub-paragraphs (1) (a) - What measures if any, have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to questions on 1 (b) to (d)?

It should be noted from the outset that the implementation of the Resolution has been given an utmost consideration in Ethiopia. The first step taken to implement the Resolution was to facilitate coordination among different organs of the government in the fight against terrorism.

The Ministry of Justice, as entrusted in Article 23 of Proclamation No. 4/95 has prepared a Legal Memorandum with a view to facilitate the enforcement of the relevant UN Conventions related to terrorism in the Ethiopian legal system. The National Bank of Ethiopia has instructed all commercial banks and financial institutions operating in Ethiopia to scrutinize the accounts and transactions of their clients. Ethiopia has actively participated in the 9th Summit of the Intergovernmental Authority for Development (IGAD) and contributed towards the formulation of a coalition with other IGAD member states in the fight against terrorism.

Sub-paragraph 1 (b) - What are the offenses and penalties in your country with respect to the activities listed on this sub-paragraph?

Terrorism is addressed in the Ethiopian Penal Code of 1957 by way of criminalizing acts committed to serve terrorist objectives. As such, a person who willfully provides or collects funds to finance the commissioning of a criminal act which serves the objective of terrorism will be charged as co-offender under article 32 and/or alternatively such person will be charged as an accomplice to the crime under

article 36 of the Code. The penalties for such criminal acts are rigorous imprisonments and depending on the gravity of the offense the penalty could go as far as capital punishment. In addition the Ethiopian Justice and Legal System Research Institute which is entrusted with the task of, among other things, revising the Ethiopian Penal Code, has included a provision criminalizing the commission of "Terrorist Act" and make it punishable with rigorous imprisonment and in grave cases with death penalty, which is expected to be promulgated by the parliament in the near future.

Sub-paragraph 1 (c) - What legislation and procedures exist for freezing accounts and assets at banks and financial institutions? It would be helpful if states supplied examples of any relevant action taken.

Funds or financial assets intended for the commission of any given crime can be subjected to a criminal investigation as part of the criminal proceedings in so far as the offense is committed making use of such a fund, financial asset or economic resource.

The National Bank of Ethiopia is entrusted with the responsibility of monitoring banking monetary activities in the country as per the Monetary and Banking Proclamation No. 83/1984 and 84/1984. Administratively, the National Bank has blocked individual bank accounts detected at the Harar branch of Dashen Bank and at the Commercial Bank of Ethiopia linked with the Barakat International Companies (BICO), which is known to be involved in the financing of terrorist activities.

In this connection, it is also to be noted that illegal transfer of money or property to a foreign country is a punishable offence under Article 19 of the Revised Special Penal Code of 1982.

Sub-paragraph 1 (d) - What measures exist to prohibit the activities listed in this sub-paragraph?

The most notable measures taken thus far by the Ethiopian government in line with the implementation of resolution 1373(2001) include the scrutinization of bank accounts, owned and managed by foreigners as well as nationals, and the closure of financial establishments suspected of having links with terrorist organizations.

The National Bank of Ethiopia, using its oversight mechanism, requires banks and financial institutions to conduct regular inspection to verify the true source, purpose, and genuinity of individual accounts. The identity of owners are checked and documentations of banking transactions are scrutinized in the process. Actions of these natures are aimed at preventing financially driven international offenses such as money-laundering which are frequently employed by terrorists.

On the other hand, in the process of implementing Resolution 1373 (2001), the Government has come across that the Hawala service providing companies, like Al-Barakat, Dahabshil, Tawfiq and Al-Amal branches in Ethiopia were involved in illegal activities. A thorough investigation into the activities of these establishments gave an indication that some have links with Al-Ittihad Al-Islamia. They were mainly rendering money transfer services, notably from USA and Europe, whose proceeds and profits, were used for supporting terrorist activities. The companies were therefore closed down.

II. Operative Paragraph 2

Sub-paragraph 2 (a) - What legislation or other measures are in place to give effect to this sub-paragraph? In particular, what offenses in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?

The recruitment to terrorist groups for a commission of an offense is a criminal act punishable under article 37 of the Penal Code. Articles 475, 763 and 764 of the Penal Code clearly provide that the supply of weapons even for ordinary use is an offense. Illegal trafficking in arms is also punishable with severe penalty under Article 41 of the Revised Special Penal Code (Proclamation 214/82).

Sub-paragraph 2 (b) - What other steps are being taken to prevent the commission of terrorist acts, and in particular, what early warning mechanisms exist to allow exchange of information with other states?

The Ethiopian Government gives paramount importance to early warning mechanisms to exchange information on terrorism with other states. In this regard, the Government has embarked on an active mutual exchange of information with some neighboring countries, particularly through the East Africa Police Chiefs Committee (EAPCCO). The Government has also formed partnership and cooperation with those Governments who have expressed interest in joint efforts to tackle the menace of terrorism. Information exchange is also being carried out through Interpol.

Sub-paragraph 2 (c) - What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of individuals referred to in this sub-paragraph? It would be helpful if States supply examples of any relevant action taken.

Alien perpetrators of terrorist acts would be tried or extradited as long as they are found within Ethiopia's jurisdiction, irrespective of their nationality or the place of commission of the crime. This is clearly stipulated in article 11,13,18,19 and 21 of the Penal Code of Ethiopia. Ethiopia has extradition agreements with most neighboring countries and negotiations are underway with some other countries to enter into such agreements including with member states of the East African Police Chief Committee.

Sub-paragraph 2 (d) - What legislation or procedures exist to prevent terrorists acting from your territory against other states or citizens? It would be helpful if States supply examples of any relevant action taken.

Any hostile act against a foreign state is a punishable criminal act under Art. 273 of the Penal Code of Ethiopia. Therefore, a terrorist act perpetrated or attempted against a foreign state, citizen or corporate bodies would entail criminal liability as per this and other pertinent provisions of the Penal Code. Furthermore according to Proclamation 271/1969, a foreign national residing in the country could be expelled should he/she be found a potential risk for the national security of the country.

Sub-paragraph 2 (e) - What steps have been taken to establish terrorist acts as serious criminal offenses and to ensure that the punishment reflects the seriousness of such terrorist acts? Please supply examples of any convictions obtained and the sentence given.

The existence of terrorist acts in any form, over and above contravening the law of the country, greatly endangers public safety and security. Thus, the perpetrators of such terrorist acts face a rigorous penalty under Ethiopian law. For instance the offenders who participated in the assassination attempt on the Egyptian President, Hosni Mubarek, were tried by the Federal High Court and were sentenced to death.

On the other hand, a court case has been instituted against the Al-Ittihad Al-Islamia terrorists, who attempted to assassinate the Ethiopian Minister of Transport and Communications, Dr. Abdulmegid Hussien. The preceding cases demonstrate that Ethiopia's law and legal system is uncompromising towards perpetrators of terrorist acts.

Sub-paragraph 2 (f) - What procedures and mechanisms are in place to assist other states? Please provide any available details of how these have been used in practice.

Apart from the relevant provisions of the Penal Code, the legal/judicial assistance agreements entered into by Ethiopia with some countries, largely with its neighbors, do facilitate cooperation in the area of criminal investigation with respect to terrorist offenses of transboundary nature and assistance in the service of summons and execution of court decisions. Ethiopia is a member of the Interpol and the East African Police Chief Committee and is committed to extend an unreserved cooperation, provide assistance and supply available information to other states with a view to facilitating criminal investigations.

Sub-paragraph 2 (g) - How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery etc?

Ethiopia has a strict border control system which is sanctioned by the relevant laws and regulations in force, including Proclamation 271/1969. The Security, Immigration and Refugees Affairs Authority, along with various local government organs, as well as Ethiopian diplomatic missions and consulate abroad control the movement of people coming in and leaving the country.

The Security, Immigration and Refugees Affairs Authority and the Ethiopian diplomatic missions and consulate abroad take the necessary precaution in the process of issuing of travel documents and visas. For careful handling of the issue, Ethiopian Missions and Consulates are provided with the list of those who should be denied visas for entry into the country. The material forgery of government and public documents and the use of forged instruments is punishable under article 17 of the Revised Penal Code of 1982.

III. Operative Paragraph 3

Sub-paragraph 3 (a) (b) (c) - What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this sub-paragraph?

The Government of Ethiopia has accelerated the exchange of information to prevent and combat terrorism nationally by coordinating the different organs of the Government and internationally through the various institutional channels including Interpol.

Ethiopia believes in coordinated action in preventing and suppressing terrorist activities. Ethiopia also plays an active role in fighting terrorism through IGAD and the East Africa Police Chiefs Committee (EAPCCO). The exchange of operational information with other countries through Interpol is a common practice. Ethiopia has signed with one country an agreement for cooperation in exchange of information in matters of drug trafficking, organized crimes and international terrorism.

Sub-paragraph 3 (d) - What are your government's intentions regarding signing and/or ratifying the conventions and protocols referred to in this sub-paragraph?

Ethiopia is a party to the Convention on Offenses and Certain Other Acts Committed on Board Aircraft (14 September 1963), Convention for the Suppression of Unlawful Seizure of Aircraft (16 December 1970), Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (23 September 1971) and its Protocol adopted on 24 February 1988.

Currently the Government of Ethiopia, through its Constitutional procedures, is undertaking the ratification of the following international conventions:

- Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents, adopted by the General Assembly of the United Nations on 17 December 1979.
- International Convention Against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979.
- International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997.
- International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999.

The Government of Ethiopia is also considering the ratification of the OAU Convention to Prevent and Combat Terrorism and a bilateral cooperation Agreement in the fighting against illicit trafficking in narcotic drugs and psychotropic substances, international terrorism and organized crime.

Sub-paragraph 3 (e) - Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this sub-paragraph.

The Conventions and the Protocol already acceded to by Ethiopia are not only being fully implemented, but they have also been incorporated into the domestic

legislation of Ethiopia through article 9 (4) of the Constitution. In addition, the Proclamation on Offenses against the Safety of Aviation, No. 31/1996 is adopted to effectively implement the anti-hijacking Convention.

Moreover, the Ethiopian Civil Aviation Authority has always been following a very strict aviation safety control system in compliance with applicable international standards in consultation and coordination with other countries' Aviation Administration.

Sub-paragraph 3 (f) (g) - What legislation, procedures and mechanisms are in place for ensuring asylum seekers have not been involved in terrorist activity before granting refugee status. Please supply examples of any relevant cases.

What procedures are in place to prevent the abuse of refugee status by terrorists? Please provide details of legislation and/or administrative procedures which prevent claims of political motivation being recognized as grounds for refusing requests for the extradition of alleged terrorists. Please supply examples of any relevant cases.

Ethiopia has been hosting a huge influx of refugees from neighboring countries, particularly from the Sudan and Somalia. The Security, Immigration and Refugees Administration rigorously takes precautionary measures to ensures that the humanitarian considerations should not be abused by incoming refugees or asylum seekers.

An individual seeking refugee status or asylum in Ethiopia with possible link with terrorist groups or groups that commissioned, planned and facilitated or participated in any terrorist act is not only denied asylum or refugee status, but will be criminally charged or subject to extradition, as the case may be.

IV. Conclusions and Recommendations

Ethiopia remains committed to combating terrorism. UNSC Resolution 1373/2001 has helped countries to forge solidarity and co-operate in the fight against the scourge. The measures taken in Ethiopia in respect of the implementation of the resolution 1373(2001) have impacted positively in terms of increasing awareness in the public and has helped mobilize all relevant actors in the fight against terrorism.

The successful implementation of UNSC Resolution 1373 (2001) requires among other things, the harmonization of terrorism related laws and regulations and further strengthening of institutions to enhance their capacity to curb terrorism.